

September 15, 2008

The Common Council met as the Water Utility Board at 7:00 p.m. on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Attorney Higgins; Supt. Gray; Chief Beloit; Chief Waters; Tom Hogan and Richard DeMarco – Johnson Controls, Inc.; Judy Whitten; Kay Kilgore; Arno Reinitz; Don Baier; Randy Stapp; Helen Hollis; Ann Blackburn; Sis Claxton; Jerry Walden; Larry Williams; Shari Banks; Randy Owens; Jerry King; Larry Stratton; Pam Robinson – Posey County News; Amy Moore – Mount Vernon Democrat; and arriving during the meeting, Comm. Maynard; and Supt. Givens.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented. Board member Curtis moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Higgins.

Mayor Tucker asked if there was any discussion, and if not, he stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Higgins moved the claims presented be allowed for payment. Seconded by Board member Hoehn.

Mayor Tucker asked if there was any discussion, and if not, he stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously. Comm. Maynard arrived at the meeting.

\*\*\*\*\*CLAIMS\*\*\*\*\*

Mayor Tucker stated they will now hear the report of the Water Chairman.

Chairman Curtis stated he will let Supt. Gray update the Board.

Supt. Gray stated the water utility was redecorated over the weekend, courtesy of Hurricane Ike. He explained the north wall of the lamella building is gone and the west wall is hanging by a thread. He did state however, the plant is running, though the KROFTA's are giving them some trouble. He added they also experienced a power surge which blew some of the equipment up and as a result, they were without power for about four hours. He stated the filters are also plugged with KROFTA #1 off line and KROFTA #2 carrying the full load. He added they did dodge a bullet as they were never in violation nor did they have to issue a boil order, though they are running at 50% capacity.

Supt. Givens arrived at the meeting.

Chairman Curtis stated he was down there yesterday and PPMI was there as well, securing materials, etc. He added everyone worked well together and he appreciates everyone's efforts, as well as those from the other city departments.

Supt. Gray agreed and added once he got in touch with Vectren, they were there within 15 minutes. He added everything came out well, regardless of the damage.

Chairman Curtis asked if there is anything the city can do to help secure the site ?

Supt. Gray replied the wall has to be replaced – he has contacted the insurance company and they are sending an adjustor down in the next few days, but they advised him to move forward in making repairs to secure the building. He added it is just going to take some time to get the work done.

Supt. Gray continued his report by stating he received an email from Bernardin Lochmueller concerning basically a sewer plant issue with CSO's. He explained they informed him that IDEM would like the

plant (water plant) to be shut down for CSO events. He added that is a very difficult thing to do, as CSO events could last for days. He added he could shut the plant down for four to six hours with no problems, but not days.

Chairman Curtis stated he would like to talk with IDEM about that himself, as he feels it would be beneficial to get information like that directly from them.

Supt. Gray agreed and added he can set up a conference call, but he feels it needs to be done as soon as possible.

Chairman Curtis agreed and added if IDEM says they have to do that, fine, but he believe an order such as that should be dictated directly from them.

Board member Hoehn stated she agrees 100%, as did Board member Fuelling.

Supt. Gray stated he feels it is an unusual request.

Board member Hoehn stated she feels further explanation is needed.

Supt. Gray stated he has been in contact with Infinity Molding about the land purchase for the lift station and Infinity currently has two projects going on simultaneously, and as a result, they have asked if the city could possibly use a smaller lot, 75' x 75', at a cost of \$10,000.

Chairman Curtis stated he has a few issues with that one being is the 75' x 75' lot sufficient, if so, that is fine with him. The second issue is grade differences, as they may need to work with the city on elevation issues. The third concern, he stated, is he would like to see these concerns dealt with in writing, then they can proceed, with no further changes.

Supt. Gray stated he is trying to schedule a meeting with them.

Chairman Curtis replied that is a good idea, a meeting with someone in authority, stating the city would be x dollars for a certain size lot, etc.

Supt. Gray stated 75' x 75' may not be big enough, considering the elevation issues – he believes they will need a grade plan first.

Chairman Curtis stated Supt. Gray should try to get a meeting scheduled as soon as possible, get back with him, and then get with someone at Infinity in a position of authority, report back to the Board, vote on the issue then for further action.

Attorney Higgins stated she can also sit in on the meeting, as a purchase agreement will be needed, etc. She added they will also need to determine setback lines, though she believes 30' is the minimum setback and the building is 18' x 28'.

Chairman Curtis stated it sounds like the 75' x 75' lot would work, if the elevation is good, with the appropriate setbacks.

Supt. Gray added with the grade plan, yes.

Board consented for Supt. Gray to proceed with talks and setting up meetings.

Mayor Tucker asked if Supt. Gray had anything further ?

Supt. Gray replied no, but Mr. DeMarco is present with a construction update.

Mr. DeMarco stated it has been three weeks since this Board has met, and JCI is continuing to make progress. He stated the new filter building is 100% complete, the foundation, walls, etc. all complete. He stated support columns have been installed as well. He added they will be starting the first floor by the end of the week, and steel should all be up in November. He added the electrical work is ongoing and the steel is on site and being primed. He stated in reference to the lift station, it is going well and is functional. He added the lamella building piping is ongoing, and should be on line in October.

Chairman Curtis stated he would like to thank JCI, and hopefully they can pass this on to the contractor as well, for getting the riverfront cleaned up in time for the city's first Annual River Days, and before the boat arrived.

Mayor Tucker asked if Chairman Curtis had anything further ?

Chairman Curtis stated he had nothing further.

Mayor Tucker asked about the Financial Report.

Clerk-Treasurer Wolfe replied she has not seen the Financial Report as of yet.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?

Clerk-Treasurer Wolfe replied not at this time.

Mayor Tucker stated on the Legal portion of the Agenda is opening bids received for the security fence, packer barn, and salt barn.

Clerk-Treasurer Wolfe said as many bids were picked up, only one was returned, as follows:

1. Tri State Fence Company                      \$38,871.00

Attorney Higgins stated as this was the only bid received, Supt. Gray is free to go to the open market on the others, as no bids received. She suggested Supt. Gray get prices and bring them before the Board.

Board consented to permit Supt. Gray to go to the open market.

Board member Curtis asked that Supt. Gray get the quotes to the Board members at the next meeting.

Attorney Higgins suggested Supt. Gray also get with Comm. Maynard to make sure they are both on the same page as to what is expected, and then come back to the Board with their recommendations.

Mayor Tucker stated they next item for consideration is recommendation to Council on an Ordinance Adopting a "Super Use" Rate, to their existing water rate ordinance.

Attorney Higgins stated this is being done as a follow up to the study that was done by Umbaugh, as they are getting closer to having some fairly large water use customers. She added this is simply adding a tier to their existing rates, it will not affect any other rate payer below the usage of 10MG/month. She stated again, it just creates another tier, and once this is passed, notice needs to be given to all users on the bills about a public hearing on the ordinance as well.

Board member Hoehn moved the Board recommend adoption of the "super user" rate ordinance to the Council. Seconded by Board member Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Board voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker stated the next item is a possible Resolution on purchase of a tract of land for water project.

Attorney Higgins stated they are not ready to address this at this time.

Mayor Tucker states listed on the Agenda under the Audience is Bill Cowan/Helen Hollis for a water adjustment.

Ms. Hollis stated she had a leak in the bathroom, it was fixed, she is requesting an adjustment to the bill, and was told she needed to come to a meeting. She added no one came and checked it after it was fixed.

Board member Curtis stated he believes she had an earlier leak and since this is the second adjustment, she needed to come before the Board. He added Supt. Gray indicated it was a legitimate leak.

Board member Higgins asked if Ms. Hollis had receipts for any of the repair parts ?

Ms. Hollis replies yes, though she did not bring them with her.

Supt. Gray added she did have it repaired, and he will instruct the office to take the average of her next month's reading.

Board member Curtis moved the adjustment be allowed. Seconded by Board member Fuelling.  
Mayor Tucker asked if there was any discussion, and stated if not, all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated the next adjustment for consideration is that of Arno Reinitz.

Ms. Hollis left the meeting.

Mr. Reinitz stated he had an \$86.00 bill, and his normally runs \$30 or so, though he has no leak.

Board member Curtis stated Mr. Reinitz also had an adjustment earlier, which is why he had to come before the Board.

Mr. Reinitz agreed this was his second adjustment.

Board member Curtis moved the adjustment be approved, as he has shown proof of repair. Seconded by Board member Hoehn.

Mayor Tucker asked if there was any discussion, and added if not, all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker asked if anyone else in the Audience wished to address the Board ?

Larry Stratton stated he has a home at 1031 Mill, there has not been water service there for 10-15 years, but he would like to get service now, and was told it would cost \$1,700.00. He added he doesn't see why, though he does realize a new meter will need to be installed.

Supt. Gray stated he is not aware of this, this is the first he has heard of it.

Mr. Stratton stated he does not see why he should a water and sewer tap fee, when both services are already there.

Board member Curtis agreed and added he should get with Supt. Gray and let the Board know at their next meeting what is up.

Mr. Stratton again stated, he realizes the meter will need to be replaced.

Board member Curtis stated Supt. Gray can look into this.

Mr. Stratton thanked the Board and left the meeting.

Mayor Tucker asked if anyone else in the Audience wished to address the Board ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Board member Fuelling moved the meeting be adjourned. Seconded by Board member Askren.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

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John Tucker  
Mayor

ATTEST:

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Cristi L. Wolfe  
Clerk-Treasurer

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Attorney Higgins; Supt. Gray; Chief Beloit; Chief Waters; Tom Hogan and Richard DeMarco – Johnson Controls, Inc.; Judy Whitten; Kay Kilgore; Randy Stapp; Ann Blackburn; Sis Claxton; Jerry Walden; Larry Williams; Shari Banks; Randy Owens; Jerry King; Comm. Maynard; Supt. Givens; Pam Robinson – Posey County News; and Amy Moore – Mount Vernon Democrat.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented. Councilman Fuelling moved the reading of the minutes be waived and they be approved as presented.

Seconded by Councilwoman Askren.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairwoman Askren states she has no report.

Comm. Maynard stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Police & Dog Chairman Fuelling stated he has no report.

Chief Beloit stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Fire Chairwoman Hoehn stated she has no report.

Chief Waters stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Sewer Chairwoman Higgins stated she has no report.

Supt. Givens stated the sewer plant did not have any wind damage from the recent storm, though they did have a power outage. He added he would like to commend Danny Moss, Mike Brandsasse, and Gene Carroll who worked around the clock making sure everything was running smoothly, they all did a great job. He then stated in reference to what Supt. Gray reported during the Utility Board meeting about IDEM and the CSO's, he agrees with Supt. Gray, it is an unusual request, not to mention next to impossible. He added he would venture to guess that it is actually the EPA telling IDEM this, though the CSO in question HAS to be eliminated anyway by 2010.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker stated they have the Financial Report before them and any questions could be directed to Clerk-Treasurer Wolfe.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Council ?

Clerk-Treasurer stated they did receive some tax money, but Council should not be surprised to have another transfer resolution before them at the next meeting.

Mayor Tucker stated the first item on the Legal portion of the Agenda is a Public Hearing on the 2009 Budget and Tax Rates. He then opened the public hearing and asked if anyone in the Audience wished to address the Council on this topic ?

There was no response.

Mayor Tucker then closed the public hearing. He then stated they are now ready for the 2<sup>nd</sup> reading on the Ordinance Establishing Appropriations and Tax Rates for the City of Mount Vernon, IN for the Year Ending December 31, 2009.

Councilwoman Askren moved the ordinance pass second reading. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker stated the next item is the 2<sup>nd</sup> reading of the propose Ordinance Establishing Salaries and Wages for the Appointed Officers and Employees of the City of Mount Vernon, IN for the Year Ending December 31, 2009.

Councilwoman Hoehn moved the ordinance pass second reading. Seconded by Councilwoman Askren.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker stated the next item for consideration is the 1<sup>st</sup> reading on the Ordinance Amending the Schedule of Rates and Charges to be Collected by the City of Mount Vernon, Indiana from the Customers Served by the Municipal Water Utility of the City of Mount Vernon, Indiana.

Councilman Curtis moved the Council accept the recommendation of the Water Utility Board, and pass ordinance on first reading. Seconded by Councilwoman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker stated next is the Ordinance Creating Rules for Electronic Communications Policy of the City of Mount Vernon, Indiana.

Attorney Higgins stated this will regulate the use of electronic devices, etc. by the city employees.

Councilman Curtis moved the ordinance pass first reading. Seconded by Councilwoman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker stated next issue is an Ordinance Establishing a Policy Prohibiting Harassment.

Attorney Higgins the city currently has a policy on the books, but it needs beefed up in certain areas such as retaliation for reporting harassment and false reporting. She added once this is adopted, then each city employee will receive a copy and sign off on receipt of it, and it will then be added to their personnel file. She stated they will also hold annual workshops, which will be conducted by Beth Folz, of McFadin Higgins & Folz.

Board member Hoehn asked how one determines when an offense is made, like a comment about religion – some people may just be easily offended.

Attorney Higgins replied they can not define every type, but if someone feels harassed, they need to determine if it is a case of someone just being offended, or if actual harassment occurred. She added once a complaint is made, an investigation ensues and a finding and determination are then made. She added this is step the city needs to take to show they are being responsible in this area.

Councilwoman Hoehn moved the ordinance pass first reading. Seconded by Councilwoman Askren.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker stated the final item for action this evening is an Ordinance Enacting and Adopting a Supplement to the Code of Ordinances for the City of Mount Vernon, Indiana, and Declaring an Emergency.

Attorney Higgins stated this is to formally adopt the update to the city codification of the ordinance already passed in 2007.

Board member Hoehn asked if there was something they could put on the website to inform people that when they are looking at the code on line, it is not current. In other words, ordinances, etc., passed this year are not included on line.

Attorney Higgins replied there is a general disclaimer provided by American Legal once the code is clicked on.

Mayor Tucker stated he would get with his administrative assistant and see if she could put something on there.

Councilman Curtis moved the ordinance pass first reading. Seconded by Councilwoman Higgins.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilman Curtis then moved the rules be suspended and the ordinance pass on second and third readings. Seconded by Councilwoman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Clerk-Treasurer Wolfe added it will be numbered 08-20.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

Councilwoman Hoehn stated, as a follow from last meeting, she has talked with an arborist in Evansville and he was very knowledgeable, but after talking with some locals, she is wondering if the city may NOT want to put trees back in, after the dead ones are removed. She added she also learned that when the trees are removed, they need to be sure they are getting as much of the tree out as possible. She stated she recommends the Council give Comm. Maynard approval to start work on the removal of the trees, gradually, and possible move the pots sitting behind the trees to the spots where the trees have been removed. She also wondered if maybe the merchants that had trees in front of their businesses, would pay to have a replacement tree planted, and if so, she has a list of acceptable trees. She then suggested if trees are not put back in, possibly benches, lights, etc. could be put in their place to make the downtown friendlier to walkers. Regardless of how they proceed, the dead trees obviously need removed.

Council agreed.

Councilwoman Hoehn further stated the grating needs to be removed as well, it is only starving the trees. Council agreed and stated Comm. Maynard should proceed and possibly have the Chamber of Commerce notify businesses that the trees are going to be removed.

Attorney Higgins stated she has sent Council information she received on the golf cart issue, and she recommend they do nothing until the Legislature acts.

Council agreed.

Mayor Tucker stated they will now hear the reports of the Districts.

1<sup>st</sup> District Councilwoman Askren stated she has no report.

2<sup>nd</sup> District Councilman Fuelling stated he has no report.

3<sup>rd</sup> District Councilwoman Hoehn stated she has no report.

4<sup>th</sup> District Councilman Curtis stated he has no report.

Councilwoman-at-Large Higgins stated she is going to be in contact this week with Dave Frye concerning the One Way sign at West School, as traffic is going both ways. She added she will also be discussing with him the bus route to Wolfen Street, just to see what can be done.

Mayor Tucker stated he would like to remind Council their next meeting will be held on September 29. He continued his report by stating there will be a Pumpkin Run Car Show on September 21, sponsored by TMI; and October 18, there will be a country music concert at 6:00 p.m. put on by the Riverfront Committee. He then stated he would like to commend all the city departments for their efforts in yesterday's wind storm – they had a quick response from all: Street, Water, Fire, Police, they should all be commended for their effort and dedication. He concluded his report by stating the wind also several damaged the boat dock at the riverfront. After talking with Bryan Smith, they have decided that repairs



can be made, but it will not be put back in for the rest of the season. He also added he is sure the repair will be a little costly.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Councilman Fuelling moved the meeting be adjourned. Seconded by Councilman Curtis.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

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John Tucker  
Mayor

ATTEST:

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Cristi L. Wolfe  
Clerk-Treasurer